

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JACQUELINE MITCHAM,)	
)	
Plaintiff,)	Case No. 1:10-cv-76-SJM-SPB
)	
v.)	
)	
PITTSBURGH CARDIOVASCULAR)	
INSTITUTE and OLIVER W. CAMINOS, M.D.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil complaint was received by the Clerk of Court on April 1, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on February 28, 2011 [9], recommends that Plaintiff's Motion to Dismiss Counts II and III of Defendants' Counterclaims [5] be denied. The parties were allowed fourteen (14) days from the date of service in which to file objections. To date, no objections to the Report and Recommendation have been filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of March, 2011;

IT IS ORDERED that Plaintiff's Motion to Dismiss Counts II and III of Defendants' Counterclaims [5] be, and hereby is, DENIED.

The Report and Recommendation of Magistrate Judge Baxter, filed on February 28, 2011 [9], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter